

REMARKS

Claims 1-3 are pending in this application, with claim 1 being independent. For the reasons set forth below, Applicants respectfully submit that all pending claims are patentable over the cited prior art.

Claims Rejections – 35 U.S.C. § 102

Claims 1-2 were rejected under 35 U.S.C. § 102(b) as being anticipated by Japanese Patent JP 02177582 (“Motomiya”). Applicants respectfully traverse this rejection because Motomiya, at a minimum, fails to describe or suggest a gas laser oscillator that includes, among other features, a clogged laying pipe judge part judging the pipe of the sub ejection apparatus to be clogged when the detected amount of the laser gas is smaller than a predetermined value, wherein the controller compares the amount of the laser gas which is detected at a time the valve of the main ejection apparatus is closed, with a predetermined value, as recited in claim 1.

Motomiya appears to describe a gas laser oscillator that includes an air blower (6), a gear case (12), a gear case valve (13), a laser gas pressure control valve (10), a gas pressure sensor signal (14), and a controller (15). Motomiya at Abstract. The controller (15) is configured to open or close the gear case valve (13) based on the open-close action of the gas pressure control valve (10), thereby keeping the gas pressure inside the gear case (12) constant. *Id.* Apparently, with this configuration the oil mist which flows out of the gear case (12) can be restricted to a minimum. *Id.*

As such, in the relied upon portions, Motomiya describes a controller (15) configured to control the pressure inside the gear case (12) and does not describe or otherwise suggest a clogged laying pipe judge configured to judge the laying pipe of the sub ejection apparatus to be

clogged when the detected amount of the laser gas is smaller than a predetermined value, as recited in claim 1. That is, to the extent any judging is carried out by the alleged controller (15) in the relied upon portions of Motomiya, the judging is for controlling the pressure inside the gear case (12) and not for determining whether the sub ejection apparatus is clogged when the detected amount of the laser gas is smaller than a predetermined value. Indeed and as noted above, in the relied upon portions, Motomiya describes minimizing clogging by controlling the pressure inside the gear case (12) to be its objective and it is silent as how to judge whether clogging has indeed occurred.

Accordingly, Motomiya in the relied upon portions fails to describe or suggest a gas laser oscillator that includes, among other features, a clogged laying pipe judge part judging the pipe of the sub ejection apparatus to be clogged when the detected amount of the laser gas is smaller than a predetermined value, wherein the controller compares the amount of the laser gas which is detected at a time the valve of the main ejection apparatus is closed, with a predetermined value, as recited in claim 1.

For at least the foregoing reasons, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 1.

Dependent Claims

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as claim 1 is patentable for the reasons set forth above, it is respectfully submitted that all claims dependent thereon are also patentable.

In addition, it is respectfully submitted that the dependent claims are patentable based on their own merits by adding novel and non-obvious features to the combination.

For example, claim 2 recites a gas laser oscillator that includes an opening and closing cycle detector for detecting an opening and closing cycle of the valves of the gas supply apparatus when the valve of the main ejection apparatus is closed, wherein the clogged laying pipe judge part judging the pipe of the sub ejection apparatus is clogged when the detected opening and closing cycle is longer than a predetermined value. Nowhere, in the relied upon portions, Motomiya describes judging that the pipe of the sub ejection apparatus is clogged *when the detected opening and closing is longer than a predetermined value.* Furthermore, the Office Action fails to point to any portions of Motomiya describing the above-recited feature of claim 2.

For at least this reason and the reasons presented above with respect to claim 1, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 2.

Based on the foregoing, it is respectfully submitted that all pending claims are patentable over the cited prior art. Accordingly, it is respectfully requested that the rejection under the §§ 102 and 103 be withdrawn.

Conclusion

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

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Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Babak Akhlaghi
Limited Recognition No. L0250

600 13th Street, N.W.
Washington, DC 20005-3096
600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 BA:MaM
Facsimile: 202.756.8087
Date: August 26, 2008

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as our correspondence address.

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